ATTACHMENT - REMARKS

By this Amendment, the title of the application has been changed. In the claims, independent claims 1 and 52 have been amended for clarity and to better define the invention. Other dependent claims have also been amended consistent with the changes to independent claims 1 or 52 and/or for clarity; or canceled. It is submitted that the present application is in condition for allowance for the following reasons.

Initially in the *Acknowledgements* section of the <u>DETAILED ACTION</u>, the examiner noted a number of claims had been "withdrawn". Actually, claims 101-129 are the withdrawn claims; the other claims noted by the examiner as withdrawn should instead be identified as "canceled".

In the *Specification* section of the Action, the title was objected to as being insufficiently descriptive of the claimed invention. By this Amendment, the title suggested by the examiner has been substituted for the original title to overcome this objection.

In the *Claim Rejections – 35 USC § 101* section, the pending claims were rejected for being directed to non-statutory subject matter. By this Amendment, independent claims 1 and 52 have been amended to be clearly directed to statutory subject matter. With respect to independent method claim 1, it is now clearly tied to a "data processing apparatus" as well as the "authentication storage means" associated therewith and in turn registrable with a "telecommunications system" having a "communications link", an "authenticating means" and a "telecommunications terminal" for each user. There is also positively claimed a "transaction manager" implemented or carried out by the data processing apparatus. With respect to independent apparatus

(now "system") claim 52, this claim has been amended to positively recite the various elements; with the remaining functional language being used to describe the associations or interactions of the elements and clearly not intended to recite any method steps. Therefore, in view of the various amendments to claims 1 and 52, as well as to similar amendments made to various dependent claims, it is submitted that the pending claims now all clearly have statutory subject so that the rejection under § 101 should now be withdrawn.

In the *Claim Rejections - 35 USC § 112* section, independent claim 52 and the claims dependent therefrom were all rejected as being indefinite due to the alleged "hybrid" (method step) nature of various recitations. As noted above, by this Amendment, claim 52 and the claims dependent therefrom have been amended to positively recite the various elements and hence to avoid the use of any recitations which might be considered method steps.

Certain dependent claims have also been amended to overcome the additional § 112 issues noted by the examiner. Claims 22, 36, 71 and 85 have been amended in a self-evident manner to overcome the noted issues. However, claims 37 and 86 have not been amended since the term "implemented" is not indefinite in the context of the present invention. Rather, this term in this context refers to the use of a software application running on the data processing apparatus for carrying out the desired actions as claimed (and note this term is also used in independent claims 1 and 52 and is thus consistent with the antecedent use thereof).

Finally, various claims have also been amended to better recite the limitations therein in accordance with US practice.

Therefore, for all of the foregoing reasons, it is submitted that this rejection of the claims under § 112 should now also be withdrawn.

In the *Claim Rejections - 35 USC § 102* section, independent claims 1 and 52 and various noted dependent claims were rejected under 35 USC § 102 as being anticipated by the USPA 2003/0028763 to Malinen (hereafter "Malinen"). However, for the following reasons, it is submitted that these claims are all allowable over this reference.

The present invention teaches the possibility of authenticating a transaction using predetermined authentication information stored on an authentication storage means. Crucially, the user authentication means need not be inserted into a user device. Rather, the authentication storage means (e.g., a SIM) need only be coupled to a device for reading the authentication storage means to obtain the authentication information when that is needed to authenticate the transaction.

Malinen fails to teach the possibility of dissociating the authentication storage means from a user terminal. This is consistent with the industry prejudice at the time of filing: SIM cards were assumed to be integral with a given user device (mobile nodes) for the purpose of authenticating transactions.

To emphasize this distinction, independent method claim 1 and corresponding independent apparatus claim 52 have been amended to incorporate the following limitation:

> the predetermined authentication information stored by each
> authentication storage means corresponding to information which is used
> to authenticate a telecommunications terminal of that user in relation to
> the telecommunications system but the authentication process for

authenticating the transaction by that user with the data processing apparatus not requiring use of that user's telecommunications terminal.

Since such a feature is neither disclosed nor made obvious by Malinen, it is submitted that amended independent claims 1 and 52 are therefore allowable over Malinen. And for these same reasons, it is submitted that the various dependent claims which were also rejected as being anticipated by or obvious over Malinen are likewise allowable; and it is further submitted that all of the remaining dependent claims which were subsequently rejected over a combination of Malinen with one or more references are likewise allowable as they depend from either claim 1 or 52.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.

Respectfully submitted,

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